

The Chairman, Michael Hutson, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, October 15, 2002.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Cindy Pennington

ALSO PRESENT: Mark Stimac
Susan Lancaster
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES, MEETING OF SEPTEMBER 17, 2002

Motion by Courtney
Supported by Fejes

MOVED, to approve the minutes of the meeting of September 17, 2002 as written.

Yeas: All – 7

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #9

RESOLVED, that Items #3 through #9 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney
Supported by Fejes

MOVED, to approve Items #3 through #9 in accordance with the suggested resolutions.

ITEM #3 – RENEWAL REQUESTED. MR. BRUCE BUSSEY, MANAGER, FIFTH THIRD BANK, 2220 W. BIG BEAVER, for relief of the 6' high screening wall between office and residentially zoned property.

Petitioner is requesting renewal of relief of the Ordinance requirement for a 6' high screen wall along the north property line where this site abuts residentially zoned property. The Zoning Ordinance requires a 6' high screening wall between office and residential sites. In June 2000, this Board granted renewal of this item until October 2002, in order that renewal of this request would run concurrent with the variance request at 2282 W. Big Beaver. Conditions remain the same and we have no objections or complaints on file.

ITEM #3 –con't.

MOVED, to grant Bruce Bussey, Manager, Fifth Third Bank, 2220 W. Big Beaver, a three (3) year renewal of relief for the 6' high screening wall required between office and residential zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

ITEM #4 – RENEWAL REQUESTED. MR. BRUCE BUSSEY, MANAGER, FIFTH THIRD BANK, 2282 W. BIG BEAVER, for relief of the 6' high masonry screening wall required along the north property line.

Petitioner is requesting relief of the 6' high masonry-screening wall required along the north side of their site where it abuts residentially zoned property. This Board originally granted the relief in 1983 and last renewed it in 1999, in part, due to the fact that the property to the north is a retention pond for the Standard Federal Bank building. Conditions at the site remain the same and we have no objections or complaints on file.

MOVED, to grant Bruce Bussey, Manager, Fifth Third Bank, 2282 W. Big Beaver, a three (3) year renewal of relief of the 6' high masonry-screening wall required along the north side of their site where it abuts residentially zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

ITEM #5 – RENEWAL REQUESTED. TROY MASONIC TEMPLE ASSOCIATION, 1032 HARTLAND, for relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

Petitioner is requesting relief of the 4'-6" high masonry-screening wall adjacent to their parking lot. This Board originally granted this variance in 1970. This item last appeared before this Board in October 1999 and was granted a three (3) year renewal of this request. Conditions at the site remain the same and we have no objections or complaints on file.

MOVED, to grant Troy Masonic Temple Association, 1032 Hartland, a three (3) year renewal of relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

ITEM #6 – RENEWAL REQUESTED. WATTLES PROPERTIES, LLC, BROOKFIELD ACADEMY, 3950 LIVERNOIS, for relief of the 4'-6" high masonry screening wall required along the east side of off-street parking.

Petitioner is requesting renewal of relief granted by this Board of the 4'-6" high masonry screening wall required along the east side of off-street parking. This relief was originally granted in 1982 and expanded in 1988, in part, due to the fact that a chain link fence with redwood slats had been installed. This item last appeared before this Board at the meeting of October 1999 and was granted a three-year renewal with the stipulation that the fence would be repaired and kept in good repair. Conditions at the site remain the same and we have no objections or complaints on file.

MOVED, to grant Wattles Properties, LLC, Brookfield Academy, 3950 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

- Fence to remain in good repair.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #7 – RENEWAL REQUESTED. MARC DYKES, HOME PROPERTIES, CANTERBURY SQUARE APARTMENTS II, N. SIDE OF LOVINGTON, E. OF JOHN R., for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking.

Petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land. This relief has been granted since 1974 primarily due to the fact that the adjacent residential land is undeveloped. The property to the north is now developed for a multi-story senior citizen housing project and the City for use as future park development has now acquired the property to the east. This item last appeared before this Board at the meeting of October 1999 and was granted a three-year renewal. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Marc Dykes, Home Properties, Canterbury Square Apartments II, N. side of Lovington, E. of John R., a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land.

- Adjacent property is not developed with single-family residences.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

ITEM #8 – RENEWAL REQUESTED. TROY BAPTIST CHURCH, 3193 ROCHESTER ROAD, for relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

Petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening-wall required along the north and west side of off-street parking. This Board originally granted this relief in 1980. This item last appeared before this Board in October 1999 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Troy Baptist Church, 3193 Rochester Road, a three (3) year renewal of relief of the 4'-6" high masonry screening-wall required along the north and west side of off-street parking.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #9 – RENEWAL REQUESTED. BLUE HERON INVESTMENTS, LLC, 2032 E. SQUARE LAKE, for relief of the 6' high screen wall along the east side of the property, where Commercially zoned property abuts Residential zoned property.

Petitioner is requesting relief granted by this Board to delete the 6' high screen wall along the east side of the property, where Commercially zoned property abuts Residential zoned property. This item last appeared before this Board at the meeting of October 2001 and was granted a one-year variance. This time limit was to allow the petitioner to present a landscaping plan to the Parks and Recreation Department for approval, and to allow for any new plantings to grow in.

MOVED, to grant Blue Heron Investments, LLC, 2032 E. Square Lake Road, a three (3) year renewal of relief of the 6' high screen wall along the east side of the property where it abuts residentially zoned land.

- Existing vegetation provides adequate screening.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #10 – OTHER BUSINESS. Revision to Board of Zoning Appeals By-laws

Mr. Stimac explained the proposed Amendments to Board of Zoning Appeals Rules of Procedure. Staff has prepared proposed amendments to the Rules of Procedure for the Board of Zoning Appeals. These amendments establish the procedures for the consideration of items as part of a consent agenda as well as other revisions to take care of title changes and grammar corrections. Mr. Stimac also stated that there was an error in the numbering of the items and asked that the Board also consider re-numbering of the sections. Staff requests approval of these revisions.

ITEM #10 – con't.

Motion by Courtney

Supported by Gies

MOVED, to approve the amendments as proposed by Staff to the Rules of Procedure for the Board of Zoning Appeals, which includes the re-numbering of articles 5, 6, and 7.

Yeas: All – 7

ITEM #11 – VARIANCE REQUESTED. JOSEPH & TEODORA PAP, 273 W. SQUARE LAKE, for relief of the Ordinance to construct a detached garage.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a 720 square foot detached garage. The site plan shows an existing 100 square foot shed that is to remain, which will bring the total area of all accessory buildings to 820 square feet. Section 40.57.04 of the Zoning Ordinance limits the total area of accessory buildings on a site to 600 square feet or one-half the ground floor area of the main building; whichever is greater. The house footprint is 1390 square feet. As such, accessory buildings are limited to 695 square feet at this site. Petitioner is asking for relief to be allowed to build this larger structure.

Mr. Joseph Pap was present and stated that eventually he wanted to add an addition to his home, however, he needed to add the garage first due to the fact that he does not have any storage room. Mr. Pap said that he does not have a basement and in order to be able to do the addition properly, he would need extra storage room for the materials required. Mr. Pap also said that he has two teenage sons and three (3) vehicles and doesn't have anywhere to put anything.

Mr. Hutson asked if there would be access to the garage with a proposed addition. Mr. Pap said that he would have enough room between the garage and the house. Mr. Fejes also asked where Mr. Pap thought he might add the addition and Mr. Pap said that he would put it at the back of the house, and then add a deck. Mr. Pap said this would be a large family room which would be 16' x 36'.

Mrs. Pennington asked what this building would be used for and Mr. Pap said that he would use it to store materials for now, and after the addition was built, he would use it as a garage.

Mr. Maxwell asked why he wished to keep the existing shed, and Mr. Pap replied that the shed was brand new and solid wood. Mr. Pap felt it would be a waste to tear it down, and also he would have a 10' x 10' slab in the middle of the property if he removed the shed.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #11 –con't.

There is one (1) written approval on file. There are no written objections on file.

Motion by Pennington

Supported by Gies

MOVED, to approve the request of Joseph Pap, 273 W. Square Lake Road, for relief of the Ordinance to construct a 720 square foot detached garage.

- Existing home has no basement and limited storage.
- Property is larger than typical and can support the additional size.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Mr. Maxwell asked since there was only 11' from the driveway to the property line, if this drive would comply with the Ordinance. Mr. Stimac explained that there is not any restriction in the Ordinance that dictates the distance from the property line to the driveway. Mr. Stimac also said that typically one car driveways are generally 10' wide, and it appears that there is enough room from the current back of the house to the garage, which would allow for enough turning room.

Mr. Courtney asked if he could push the garage back and use the slab, which is under the shed. Mr. Stimac stated that the Building Department had not inspected the slab, but generally the garage floor would have to be poured new.

Mr. Courtney also talked to Mr. Pap about having trouble getting in and out of the left side of the garage with an addition and suggested that he remove the shed and move the garage back. Mr. Pap stated that he can make a 90-degree turn right now and has enough room to make the turn, and also stated that he does not want to move the garage farther from the home.

Mr. Fejes asked if the 16' x 36' addition to the home would allow for this garage to comply with the Ordinance. Mr. Stimac responded that based upon the addition discussed he would get an additional 280 square feet of allowable building area, which would enable this garage comply with the Ordinance.

Mr. Fejes asked if a condition could be added to the variance, which would state that Mr. Pap would have to add a 16' x 36' addition. Ms. Lancaster stated that the motion before the Board tonight was to allow for the petitioner to build a detached garage. Mr. Courtney then asked if the condition could be added that shed would have to be removed within a one-year period. Ms. Lancaster also asked if the Building Department had any plans for an addition, and Mr. Stimac stated that the petitioner has not submitted any plans for an addition to his home at this time.

Motion by Courtney to amend the original motion to state that the 100 square feet of the shed would only be granted for a one-year period.

ITEM #11 – con't.

Ms. Lancaster stated that Courts are not inclined to order that buildings be torn down, and also the way this item was advertised does not include the tearing the shed down.

The motion to amend dies due to lack of support.

The Chairman called for a vote on the original motion.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #12 – VARIANCE REQUESTED. FRANK ZIMMER, 1057-1081 EAST LONG LAKE, for relief of the Ordinance to place two temporary storage trailers outside from December 10th through December 31st.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to place two temporary storage containers at the rear of their property from December 10, 2002, through December 31, 2002. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses not to exceed two years. A similar request was heard and denied by the Board of Appeals in 1999.

Mr. Zimmer stated that they have appeared before this Board many times and although granted approval in 1994, they have also been denied many times. Mr. Zimmer went on to say that in the past when this request was denied, the landlord had allowed them to use some extra space in the shopping center, which was available. Mr. Zimmer also said that at the time they submitted this application to the Board, there was no available space for them to use. Mr. Zimmer further stated that after speaking with the store manager, Jeff Lamatta, they believe that this time period will be sufficient for the holiday season.

The Chairman opened the Public Hearing.

Ms. Nancy Zabracki, 1220 E. Long Lake was present and asked where the trailers would be parked and Mr. Zimmer stated that they would be behind the building and would not be visible to Long Lake Road. Ms. Zabracki also questioned the hours of operation regarding loading and unloading of these trailers. Mr. Lamatta said that he thought the hours of operation would be from approximately 7:00 A.M. until around 3:00 P.M.

No one else wished to be heard and the Public Hearing was closed.

ITEM #12 – con't.

Ms. Pennington asked if extra lighting was going to be installed and if there were any plans to add extra security. Mr. Zimmer stated that they did not have any plans to add either lighting or more security.

Mr. Hutson asked if this was a request, which would come before this Board every year and Mr. Zimmer stated that he thought it would. Mr. Hutson then asked if they would be better off to expand their facility. Mr. Zimmer went on to say that the only time they need the extra room is for the Holiday season, and therefore the expense of renting more space would not be cost effective. Mr. Hutson then asked if they were planning on placing these trailers in an alley and if the trailers would block access to this area. Mr. Zimmer stated that the distance from the back of the building to the brick wall is 74' and this should allow for plenty of room of other vehicles to get through. Mr. Hutson then asked where the product comes from and Mr. Zimmer said that it comes from the supplier in South Dakota. Mr. Zimmer went on to say that if they are not allowed to have the containers, they have to use trucks which are approximately 4' off the ground, and which creates a safety hazard for the workers to get in and out of these trucks. Mr. Zimmer said that the storage containers are located directly on the ground and therefore access is much easier.

Mr. Kovacs asked how far the containers would stick up above the existing wall. Mr. Zimmer said that the house directly in back of this facility added a wood fence above the wall, and believes that the containers would not extend more than six (6) inches, if at all, over the wall.

There is one (1) written objection of file. There is one (1) written approval on file.

Motion by Kovacs
Supported by Gies

MOVED, to grant Frank Zimmer, 1057-1081 East Long Lake, relief of the ordinance to place two (2) temporary storage trailers outside their store, from December 10th to December 31, 2002.

- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use.
- Variance does cause a substantial adverse effect to surrounding property.
- Literal enforcement precludes full enjoyment of the permitted use and makes conformance to the Ordinance unnecessarily burdensome.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 – VARIANCE REQUESTED. FIRST UNITED METHODIST CHURCH, 6363 LIVERNOIS, for relief of the 4'6" high screen wall required between the off-street parking area and adjacent residentially zoned land.

Mr. Stimac explained that the petitioner is requesting relief to construct an addition to the parking lot at an existing religious facility at 6363 Livernois. Paragraph F of Section 10.30.04 of the Troy Zoning Ordinance requires that a 4'-6" high screen wall be provided between the off street parking area and adjacent residentially zoned land. The site plan submitted shows an expansion of the existing parking area to the north, south and west without this required wall between the expanded parking area and the adjacent residentially zoned land. The petitioners are asking for approval to expand this lot without the required screen wall.

Mr. Constantine Pappas, the Architect for the Church was present and stated that they are before this Board at the request of the Planning Commission on the south and west side and at the request of the neighbor on the north side are also requesting a variance for that screen wall. Mr. Pappas stated that the Planning Commission was very concerned about adding a screen wall due to the fact that the property has a tremendous drop off and a great deal of natural vegetation. Mr. Pappas went on to say that they wished a variance for the south and west sides mainly due to the configuration of the land and on the north side, he stated that the adjoining neighbor would rather have a natural screen area. Mr. Pappas stated that they would plant a hedge of arborvitae along this area to give a continuous type of hedge along this property line.

Mr. Kovacs asked if any dirt would be added on the north side and Mr. Pappas stated that they find that after a number of years berms are not maintained, and they would rather add the arborvitae.

The Chairman opened the Public Hearing.

Mr. Dean Bise of 6375 Livernois was present and stated that he is the neighbor to the north of this Church property. Mr. Bise stated he is in support of an arborvitae screen wall and would rather not see a berm or wall put in this area.

No one else wished to be heard and the Public Hearing was closed.

There are no written objections or approval on file.

Motion by Fejes

Supported by Maxwell

ITEM #13 – con't.

MOVED, to grant First United Methodist Church, 6363 Livernois, relief of the 4'6" high screen wall required between the off-street parking area and adjacent residentially zoned land to the north, south and west of the expanded parking lot.

- Variance is not contrary to public interest.
- Variance will not establish prohibited use within a Zoning District.
- Variance will not cause an adverse effect to surrounding property.
- Variance applies only to this property.
- If variance is not granted, natural vegetation and trees as well as wetlands would be destroyed.

Yeas: All – 7

MOTION TO GRANT VARIANCE REQUEST CARRIED

ITEM #14 – VARIANCE REQUESTED. MOJMIR GOTTWALD, 4743 HYDE PARK DRIVE, for relief of the rear yard setback to construct a sunroom addition.

Mr. Stimac explained that the petitioner is requesting relief of the rear yard setback to construct a sunroom addition. The Board of Zoning Appeals granted approval in 1973 for the construction of a patio with a low brick wall at the rear of this home with a 30' rear yard setback. The site plan submitted now indicates the construction of a sunroom on the existing footing. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District. The petitioner is asking for approval for this addition with the reduced setback.

Mr. Gottwald was present and stated that basically he would like to be able to sit outside and enjoy the summer weather. Mr. Gottwald went on to say that it is very difficult to sit outside when it is very hot, due to the fact that this area is not screened. Mr. Gottwald said that he cannot be exposed to direct sunlight because of the medication he is taking, and also that his wife is a heart patient and the sunroom would allow them to enjoy their property. Mr. Gottwald also said that when he first purchased the property, the setback was 35' and since then the Ordinance was changed, which means this addition would not comply with the setback.

Mr. Courtney stated that at the present time there was an existing door wall, which would allow the petitioner to look outside. Mr. Gottwald stated that the door wall freezes during the winter and also that this is part of the dining room and there is a lot of furniture in the way. Mr. Gottwald also said that there are a great many sunrooms in this area and does not feel that his request is unreasonable. Mr. Courtney stated that he did not see a hardship with this property and Mr. Gottwald said that this addition would enhance his property, which would also benefit the City.

ITEM #14 – con't.

Mr. Fejes asked Mr. Gottwald if he planned to fit the sunroom in the same footprint that now exists. Mr. Gottwald said that the sunroom would fit on the existing foundation, which was approved by the City.

Mr. Fejes then asked Mr. Stimac to explain the change in the setback. Mr. Stimac explained that this area was developed in the 1970's and in 1972 the setback in the R-1C District was changed drastically. Prior to that time the property was set up with a large front yard and a small back yard, a 40' front yard was required and a 30' rear yard. In 1972 this setback requirement was changed and then a 30' front yard setback and a 40' rear yard setback was required. Mr. Stimac also stated that in accordance to a previous provision of the Zoning Ordinance if the predominant front yard setback in your block was 40', then a 35' rear yard setback could be used. Mr. Stimac said that effectively they granted a 5' rear yard variance to existing homes. Mr. Stimac also said that this home was built with a smaller front yard setback, which is 31', and therefore this home would not have been entitled to a 35' rear yard setback.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Fejes stated that although he understood Mr. Courtney's concerns regarding a hardship, he did not feel that Mr. Gottwald was adding to the square footage of the original variance, but was merely enclosing the existing structure. Mr. Hutson expressed concern that the roof over this patio may cause an obstruction, and further stated that he did not see a hardship with the land.

Mr. Kovacs stated that he feels that this subdivision is very old and each house is blocked by natural foliage, and does not see how adding a predominantly glass structure would cause an obstruction.

Mr. Maxwell stated that he feels that this request is very typical of a lot of the homes in the area and does not see where it would cause any type of adverse effect to surrounding property.

Motion by Fejes
Supported by Maxwell

ITEM #14 – con't.

MOVED, to grant Mojmir Gottwald, 4743 Hyde Park Drive, relief of the rear yard setback to construct a sunroom addition.

- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Variance will not have an adverse effect on surrounding property.
- Variance will allow petitioner to enjoy his property.
- Maturity of trees in the area will screen this addition from surrounding neighbors.

Yeas: 5 – Fejes, Gies, Kovacs, Maxwell, Pennington

Nays: 2 – Courtney, Hutson

MOTION TO GRANT VARIANCE CARRIED

ITEM #15 – VARIANCE REQUESTED. ROBIN HARTZELL, 6474 MONTCLAIR, for relief of the Ordinance to construct a 1200 square foot detached garage where only 907 square feet of accessory building is allowed on this site.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 1200 square foot detached garage. Section 40.57.04 limits the area of all accessory buildings on a site to 600 square feet or one-half the ground floor area of the main building; whichever is greater. The house footprint is 1814 square feet, as such; accessory buildings are limited to 907 square feet on this site. The petitioner is asking for approval to construct this larger building.

Mr. Robin Hartzell was present and stated that he and his wife purchased this property two (2) years ago and wished to erect this garage behind the home in excess of 300' from the front property line and therefore would not be visible to any of the surrounding property. Mr. Hartzell brought in pictures, which show a large number of trees around his home. Mr. Hartzell went on to say that he evaluates corporate vehicles for Daimler Chrysler and often brings home these vehicles to evaluate them. Mr. Hartzell stated that he and his wife own three (3) personal vehicles, which are driven almost daily, and also that he owns three (3), antique vehicles. Two of these antique vehicles are stored in the present garage, and the third is stored at the Walter P. Chrysler museum, however, he is losing his space there some time later this year. Mr. Hartzell indicated that there are times when he has between six and nine vehicles in his driveway. Mr. Hartzell said that his neighbors have questioned the fact that he parks excess vehicles on his lawn. Mr. Hartzell also said that this proposed garage would allow him to park his antique vehicles along with two of the personal vehicles that he does not use on a daily basis. The location of the garage is greater than 300' from Montclair and would not be visible from any of the other homes in the area. Mr. Hartzell indicated that he had spoken to seventeen (17) of his neighbors and they have said that they approve of this request. Mr. Hartzell also said that he and his wife are thinking of purchasing the

ITEM #15 – con't.

Merle Norman business on Long Lake and Rochester, and his wife would probably require another vehicle for these products. Mr. Hartzell also said that he understood that the City would not allow him to run a business from this garage, however, he believed that his wife's clients may come here to pick up products. Mr. Hartzell further stated that eventually he wished to put an addition on to his home, but was unable to do that now because of financial restrictions.

The Chairman opened the Public Hearing.

Judith Burgess, 6537 Norton, was present and stated that she had moved to this area thirty (30) years ago, because she wished to live in the country. Ms. Burgess stated that she understands Mr. Hartzell's need for extra room as her husband is also an antique car buff. Ms. Burgess also said that property values in this area have dropped and expressed concern that although this garage would not be used for business now, it could be used to run a business at a later time. Mr. Hartzell said that his family does not have any plans to leave this area for a minimum of 13 to 16 years in order that their children finish their education in Troy. Ms. Burgess stated that she would approve of this request.

No one else wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file.

Mr. Maxwell asked if there was any way Mr. Hartzell could add the extra room needed by putting an addition on to his home. Mr. Hartzell said that his wife would like a larger kitchen and dining room, however, they have added a number of improvements to this home and do not have the financial means to put this addition on. Mr. Hartzell also indicated that they had to do a great many repairs to this home, and at this time the garage was their first choice. Mr. Maxwell also said that a variance would not be required if Mr. Hartzell would add on to his home. Mr. Hartzell said this is a side entrance garage and did not want to add on to the house because they would end up losing living space.

Mr. Kovacs asked how many cars could fit in the proposed structure. Mr. Hartzell stated that the antique vehicles are approximately 8' wide, and because they are not driven that much, they would be parked 2' apart. Mr. Hartzell said that he was hoping to store four (4) vehicles along with the antique lawn tractor that he had just purchased. Mr. Kovacs asked Mr. Hartzell what the hardship was as it relates to his property. Mr. Hartzell said that he would have to destroy large, mature trees that are located at the front of the property if he were to attach an additional two-car garage to his home. Mr. Hartzell also said that he would have to remove a brick walk at the front of the home.

Motion by Kovacs
Supported by Courtney

ITEM #15 – con't.

MOVED, to grant Robin Hartzell, 6474 Montclair, relief of the Ordinance to construct a 1200 square foot detached garage where only 907 square feet of accessory building is allowed on this site.

- If garage is attached to the home, a large number of natural features would have to be destroyed.
- Property is sufficiently large to support a structure of this size.
- The location of the structure and existing vegetation is such that it will not be visible from the adjacent properties.
- Variance is not contrary to public interest.
- Variance will not cause a substantial adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED

ITEM #16 – VARIANCE REQUESTED. GARY KADE, CONSERVATIONS

UNLIMITED, 2559 TARRAGONA WAY, for relief of the rear yard setback to construct an enclosed sunroom.

Mr. Stimac explained that the petitioner is requesting relief of the rear yard setback to construct an enclosed patio. The site plan submitted indicates removing an existing non-conforming covered patio that has a 27.5' rear yard setback and construction of a new enclosed sunroom with the same setback. A review of the Building department records could find no permit for the covered patio. Section 30.10.01 requires a 45' rear yard setback in the R-1A Zoning District. The petitioner is asking for approval to build this new sunroom with the reduced setback.

Mr. Gary Kade of Conservations Unlimited, was present and stated that he was representing Mr. and Mrs. Philip Pierce. Mr. Kade stated that this land is very odd shaped, and the homeowners wished to replace the existing screens with glass. Mr. Kade indicated that Mr. and Mrs. Pierce purchased this home in June of this year and they were looking at being able to convert the screened porch. Mr. Kade also said that this porch has been in existence approximately 25 years, and has been noted as part of the property value as determined by the Assessing Department. Mr. Kade further stated that the City has a plot plan showing the garage on the east side, when in fact the builder put the garage on the west side of the home. Mr. Kade said that a permit was issued by the Building Department to repair the back of the home, which included the porch, due to a fire.

Mr. Maxwell asked Mr. Kade what type of sunroom he wished to construct. Mr. Kade said they would come up two feet with a brick wall and then replace the screens with glass from the top of the wall to the roof. Mr. Maxwell also asked if they were planning to change the dimensions of this structure at all. Mr. Kade said that the dimensions would be the same, they just planned to replace screens with glass. Mr. Kade also said

ITEM #16 – con't.

that this property is heavily treed, and this sunroom would not be visible to surrounding neighbors. Mr. Kade brought in an approval letter from the neighbor to the east of this home.

Ms. Pennington asked when this home was constructed and Mr. Kade stated that according to the tax assessment, it was built in 1967 and thought that the porch was added in 1969.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Maxwell
Supported by Pennington

MOVED, to grant Gary Kade, Conservations Unlimited, 2559 Tarragona Way, relief of the rear yard setback to construct an enclosed sunroom.

- The lot is unusually shallow do to its location on the cul-de-sac.
- Variance is not contrary to public interest.
- Literal enforcement of the Ordinance would make conforming unnecessarily burdensome.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #17 – VARIANCE REQUESTED. BOYS AND GIRLS CLUB OF TROY, 3670

JOHN R (PROPOSED ADDRESS), for relief to construct a new facility with a portion of the building to be constructed 30' in height.

Mr. Stimac explained that the petitioner is proposing to construct a new recreational facility at 3670 John R. This property is located in the R-1C Zoning District. Section 30.10.04 of the Zoning Ordinance limits the height of buildings in the R-1C Zoning District to not more than 25' in height. The plans submitted indicate that the gymnasium portion of this building will be 30' in height. The petitioner is asking for approval to allow this taller structure.

Mr. Dale Ehresman, Architect for the Boys and Girls Club of Troy was present and stated that this association has occupied and operated from an old school building and now have entered into an agreement with the Troy School Board to purchase extra property. Mr. Ehresman said that the existing building has many problems, including a leaky roof and windows. Mr. Ehresman also said that the building is broken into small

ITEM #17 – con't.

classrooms and is no longer functional for this club. Mr. Ehresman said that the purpose of the club is to help children from ages 6 to about 16 or 17. The membership fee is \$25.00, however, if the children cannot afford the \$25.00, the Troy Boys and Girls Club will make arrangements to cover this fee. Mr. Ehresman indicated that the gymnasium, which is used for basketball and volleyball requires the higher height.

Mr. Hutson asked what the height of the gymnasium of Barnard School was and Mr. Ehresman said that he would guess that it was approximately 25 feet. Mr. Ehresman also stated that because it was done a number of years ago the ceiling would not be the same height. Mr. Maxwell stated that he thought the ceilings in the gyms in elementary schools are probably lower than the ceilings are now. Mr. Ehresman went on to say that the Ordinance does not address the ceiling height in recreation centers today. Mr. Ehresman also said that the Boys and Girls Club has very generous setbacks, and that the gym is 285' from the home to the north, and the home to the south is just about 200' from the gymnasium. Mr. Ehresman further stated that the Troy Boys and Girls Club went out and raised the necessary funds to construct this addition, and the Troy Boys and Girls Club is dedicated to helping the children of Troy.

Mr. Courtney asked Mr. Stimac what the ceiling height was in Council Chambers. Mr. Stimac replied that it was approximately 18' to the finished plaster ceiling. Mr. Courtney then asked how old the membership was and Mr. Ehresman stated that the children range in age from six to sixteen. Mr. Steve Toth, the Executive Director of the Troy Boys and Girls Club was present and stated that the basic group of kids using the club now range in age from six to eleven or twelve years old. Mr. Toth went on to say that due to the age of the present facility they are using, they do not have a basketball or volleyball program, however, he believes that the new structure will attract more children in the older age group. Mr. Toth also said that he believes that the new structure will encourage older children to stay in this club. Mr. Toth further stated that they are asking for the minimum height as recommended by the National Association of High School Gymnasiums. Mr. Toth said that they are trying to be good neighbors in only asking for the minimum height, and also believes that this new facility will help them to keep the interest of the older children.

Ms. Pennington asked Mr. Stimac if the school district has certain restrictions on gym heights. Mr. Stimac explained that the schools are not under the jurisdiction of the City of Troy as far as construction plans and so forth and so does not know the height of the gyms in the area. Mr. Stimac also explained that at this time the Zoning Ordinance does not govern schools. Ms. Pennington then asked if Mr. Stimac knew what the height of gym ceilings in high schools are and Mr. Stimac said that he thought they would be higher.

Mr. Maxwell asked what the dimensions of the gymnasium would be and Mr. Ehresman replied that it would be 50' x 72'. Mr. Ehresman stated that they would be doing a lot of half-court games.

ITEM #17 – con't.

Mr. Courtney questioned the statement that the City did not have any expenditures regarding the Boys and Girls Club and Mr. Toth stated that the City does fund the suspension program, but does not support the capital fund. Mr. Toth also stated that there would not be any windows on the north side of this structure, so that lights would not be a problem.

Mr. Maxwell asked why they were not planning to build a full court which would be 90' and Mr. Ehresman stated that part of the gymnasium structure was going to be used for storage, and also that this was the maximum size building they could have without asking for a variance. Mr. Toth stated that they are considered a medium size club and felt that this would be sufficient to use for the long term.

The Chairman opened the Public Hearing.

Ms. Andrea Witkowski, 3710 John R., was present and stated that she is the neighbor to the north. Ms. Witkowski expressed concern over the fact that she was not able to determine what construction was near her property. Mr. Stimac explained that a 50' setback was shown from the property line to the edge of the parking lot, which would be on the north side of the building. Mr. Stimac stated that there would be a one-way driveway system and the building would be constructed in the center of the property. Ms. Witkowski asked what would be in the 50' setback, between her property and the parking lot, and Mr. Stimac said that although he had not seen the landscape plans, the minimum requirement would be grass. Ms. Witkowski then asked where the highest part of the building would be and Mr. Stimac stated that it would be on the south side of the property. Ms. Witkowski also stated that she would like some privacy fencing from where her garage starts to give her privacy from the entire structure. Mr. Stimac stated that this is a Special Use Approval and that there would be another hearing regarding the use of the property before the Planning Commission. As well this matter appears the following Monday at City Council for a parking variance. Mr. Stimac suggested that Ms. Witkowski go to the Council and Planning Commission meetings and perhaps express her concerns at that time. Mr. Stimac also offered to go over the plans in the Building Department with Ms. Witkowski. Although this may be inconvenient, Ms. Witkowski may wish to attend all of these meetings. Ms. Witkowski asked to compare a building with the height the petitioner is requesting, and Mr. Stimac stated that he thought that this (City Hall) building was probably 28' to 29' high. Ms. Witkowski stated that she did not object, since the maximum height would be on the south side of the property.

Ms. Sarah Terio, 3600 John R. was present and stated that she is the neighbor on the south side of this property. Ms. Terio expressed concern over the fact that due to the new construction in this area, she is having a problem with flooding on her property. Mr. Hutson suggested that Ms. Terio speak with the Planning Commission. Ms. Terio stated that presently there is a drain in the area and is sure that it will be covered when the parking lot is put in. Mr. Stimac suggested that Ms. Terio contact Mr. Steve Vandette of the Engineering Department to express her concerns regarding drainage.

ITEM #17 – con't.

Mr. Kovacs asked if Ms. Terio had a problem with the height of the proposed structure, and Mr. Stimac stated that he felt that the taller portion of the building would be approximately 81' from the sidewalk line. Ms. Terio then asked how far the building would be from the rear property line and Mr. Stimac stated that it was about 80'. Ms. Terio said that she does not think the height of the building bothers her one way or the other.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Motion by Maxwell
Supported by Fejes

MOVED, to grant the Boys and Girls Club of Troy, 3670 John R. (proposed address) relief of the Ordinance to construct a new facility with a portion of the building to be constructed 30' in height.

- Additional height needed to conduct programs necessary for the operation of the center.
- Setbacks are significantly larger than required for a typical single family home.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- Variance does not permit the establishment of a prohibited use.
- Literal enforcement would preclude full enjoyment.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

Mr. Stimac informed both residents that if they had any concerns before the next scheduled meeting regarding this property, to come to the Building Department and he would be happy to go over the plans with them.

ITEM #18 – VARIANCE REQUESTED. TODD PERSINGER CONSTRUCTION, 3445 KILMER, for relief of the front yard setback to construct an attached garage.

Mr. Stimac explained that the Petitioner is requesting relief of the front yard setback to construct an attached garage. Although the original plans for the home's construction indicate meeting the 25' minimum front yard setback required in the R-1E Zoning District by Section 30.10.06 of the Zoning Ordinance, the more recent survey submitted indicates that the home is actually only 19' from the front property line. The site plan submitted indicates the proposed construction of an attached garage with a 20.1' front yard setback. The petitioner is asking for approval to construct the attached garage with the reduced setback.

ITEM #18 –con't.

Mr. Todd Persinger was present and stated that he was planning to do the construction for his mother and stepfather. Mr. Persinger stated that although the existing house is 19', they are proposing to go back another foot from the house due to the fact that there is an existing addition on the back of the house, and the offset roof line would make a pocket. Mr. Persinger stated that they are trying to push the garage back without changing the complete roofline on the structure.

Mr. Kovacs asked if Mr. Persinger had built this house and Mr. Persinger stated that he had been born there, but his father had built the home. Mr. Persinger said that the original home was supposed to be 19' from the setback and instead was built 19' from the easement. Mr. Kovacs asked if Mr. Persinger wanted the extra foot forward and Mr. Persinger stated that he really thinks this will make the property look better.

The Chairman opened the Public Hearing.

Mr. Raymond Mueller, 3458 Kilmer was present and stated that he approved of this request and also brought in a written approval from the neighbor at 3415 Kilmer. Mr. Mueller stated that although there was a mistake in the original construction, this home still sits back farther than the house right next door. Mr. Mueller also went on to say that this home was the first new home built on this street.

No one else wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Kovacs

Supported by Pennington

MOVED, to grant Todd Persinger Construction relief of the front yard setback to construct an attached garage with a 20.1' front yard setback where 25' is required.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- Literal enforcement of the Ordinance precludes full enjoyment and will be unnecessarily burdensome.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED

ITEM #19 – VARIANCE REQUESTED. RONALD HAY, 2777 ORCHARD TRAIL, for relief of the rear yard setback to construct a family and dining room addition.

Mr. Stimac explained that the petitioner is requesting relief of the rear yard setback to construct a family and dining room addition. The site plan submitted indicates a rear family and dining room addition with a proposed 42' rear yard setback. Section 30.10.01 of the Zoning Ordinance requires a 45' minimum rear yard setback in the R-1A Zoning District. The petitioner is asking for approval to construct this addition with the reduced rear yard setback.

Mr. Ronal Hay, the contractor for Mr. and Mrs. Carryer of 2777 Orchard Trail was present and stated that they wished to enlarge the kitchen nook area and living room. Mr. Hay explained that they are trying to make it easier for Ms. Carryer to maneuver through this room with her wheelchair. Mr. Hay also said that they wished to add an 8' door wall on the east side of the home, which will enable her to get to the deck much more easily. Mr. Hay further stated that this addition will allow a circular doorway for her to maneuver through, and also this is the most logical place for the addition, which will not encroach into the rear yard.

Mr. Kovacs asked how much space was behind the home to the south and the common property line. Mr. Hay stated that the home was about 45 feet from this line and he had brought in an approval from the neighbor behind the Carryer home. Mr. Stimac explained that upon reviewing the aerial photograph the home to the south is about 75' from the rear property line. Mr. Kovacs went on to say that this was a very large lot and did not believe the addition would encroach on the existing house behind this one.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file. There are no written objections on file.

Motion by Kovacs
Supported by Courtney

MOVED, to grant Ronald Hay, 2777 Orchard Trail, relief of the rear yard setback to construct a family and dining room addition with a 42' rear yard setback where 45' is required.

- Variance is not contrary to public interest.
- Variance is very minimal and would not have an adverse effect to property in the immediate vicinity.
- Variance relates only to the property described in the application.
- Literal enforcement precludes full enjoyment of the property.
- Relief requested can be granted within the spirit of the Ordinance.

Yeas: All – 7

ITEM #19 – con't.**MOTION TO APPROVE REQUEST CARRIED**

Mr. Kovacs asked if there was any way to change the Ordinance regarding sunroom requests, which would allow people to put in sunrooms by decreasing the setback requirements. Mr. Courtney stated that it would be difficult to enforce as it was possible that these sunroom could eventually become bedrooms. Mr. Stimac stated that he felt enforcement of keeping these additions sunrooms, rather than building additions would prove to be difficult. Mr. Stimac suggested that perhaps the Planning Commission could provide a provision in the Ordinance regarding sunroom additions, but Mr. Stimac feels that this would probably be a very difficult amendment to make.

The Zoning Board of Appeals meeting adjourned at 9:58 P.M